

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: AB/114/18/CLP

LOCATION: 31 Tarrant Street (1st & 2nd Floor Flat)
Arundel

PROPOSAL: Application for a Lawful Development Certificate for a Proposed use - replacement windows

DESCRIPTION OF APPLICATION

The application seeks to replace existing crittal (metal) windows with uPVC windows.

DESCRIPTION OF SITE AND SURROUNDINGS

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Conservation Officer

Consultations responses received:

Comments on Consultation responses:

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

CONCLUSIONS

For the purposes of the application it has to be determined whether the replacement of the windows with windows of different materials would constitute development.

The Town and Country Planning Act S55 Para 2 states:

"The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land" -

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which

(i)affect only the interior of the building, or

(ii)do not materially affect the external appearance of the building,"

The Conservation Officer has indicated that the proposed replacement windows in this application would be materially different in appearance to those currently in situ. This is resultant of their design (with regard to thickness and orientation of glazing bars), detailing (the materials and construction of the windows) and operation (layout of openings and how they work). Additionally, the modern shiny plastic, and sheen of double glazing is out of keeping with the existing, traditional materials.

The proposal is considered to materially affect the appearance of the building, and is therefore considered to be development, in line with Section 55, Part 2(a)(ii) of the Town & Country Planning Act.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 10/10/2018 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, was considered to be development within the meaning of section 55 of the Town & Country Planning Act 1990 for the following reasons:

- The replacement windows are considered, by virtue of their design, detailing and operation make them appear different to traditional windows, and the visual effect for plastic is out of keeping with more traditional materials. Therefore, the proposal is considered to have a material impact on the external appearance of the dwelling, in conflict with Section 55 (2)(a)(ii) of the Town & Country Planning Act.

FIRST SCHEDULE

The replacement of existing metal framed windows with uPVC windows.

SECOND SCHEDULE

1st & 2nd Floor Flat, 31 Tarrant Street, Arundel, West Sussex, BN18 9DG.

EXTENT OF USE

The replacement of existing metal framed windows with uPVC windows. These details are shown in:

- Three photographs showing existing windows to be replaced
- Sketch dated 26th October 2018 showing design of proposed windows

REASONS FOR REFUSAL OR INFORMATIVE(S)

- 1 INFORMATIVE:
It is recommended that you speak with the Council's Conservation Officer regarding suitable replacement windows in this instance. They can be contacted at: conservation.officer@arun.gov.uk



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